

REMARKS

The Office Action mailed November 30, 2004 has been reviewed and carefully considered. Claims 1-24 remain pending, the independent claims remaining 1, 7, 13, 17 and 22. Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

Claims 1-6 stand rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent Publication No. 2001/0053139 to Zimmermann et al. ("Zimmermann") in view of U.S. Patent Publication No. 2001/0028638 to Walton et al. ("Walton").

Zimmerman switches a call connection to the "best member" [0029].

However, as item 3 of the Office Action acknowledges, Zimmermann fails to disclose or suggest:

reporting from said plurality of STAs to said AP of a list of candidate channels including a received signal strength indication (RSSI) and Clear Channel Assessment (CCA) busy periods of all channels measured by said plurality of STAs; and, (d) selecting one of said candidate channels based on said channel quality report for use in communication between said AP and said plurality of STAs

Item 3 of the Office Action nevertheless proposes that Walton makes up the difference, a proposition that the instant applicants traverse.

A Walton mobile that wishes to access a reverse channel checks to determine "whether the channel is idle or busy" [0078].

Walton makes no disclosure or suggestion of "reporting from said plurality of STAs to said AP of a list of candidate channels including a received signal strength indication (RSSI) and Clear Channel Assessment (CCA) busy periods of all channels measured by said plurality of STAs."

For at least this reason, the proposed combination of references fails to render obvious the present invention as recited in claim 1.

Claims 7-10 stand rejected under 35 U.S.C. 103(a) as unpatentable over Zimmermann in view of U.S. Patent No. 6,546,251 to Dalsgaard et al. ("Lundell").

Claim 7 likewise recites:

transmitting a channel quality report of a plurality of frequency channels from said at least STA to said AP, said channel quality report including a received signal strength indication (RSSI) and Clear Channel Assessment (CCA) busy periods of all channels measured by said plurality of STAs

and Lundell fails to make up for the shortcomings of Zimmermann.

Claim 7 is therefore deemed to distinguish patentably over the combination for reasons analogous to those set forth above with regard to claim 1.

Claims 11 and 12 stand rejected under 35 U.S.C. 103(a) as unpatentable over Zimmermann in view of Lundell and Walton.

Claims 11 and 12 depend from claim 7, and Lundell and Walton fail, alone or in combination, to make up for the shortcomings of Zimmermann.

Claims 13-20 stand rejected under 35 U.S.C. 103(a) as unpatentable over Zimmermann in view of Lundell and Walton.

Claim 13 recites:

measuring a received signal strength indication (RSSI) and Clear Channel Assessment (CCA) busy periods of all said channels scanned by said plurality of STAs to said AP

Claim 13 is therefore deemed to distinguish patentably over the combination for reasons analogous to those set forth above with regard to claims 1 and 7.

Claim 17 recites:

transmitting a channel quality report of a plurality of frequency channels between said AP and at least one of said plurality of STAs, said channel quality report including a received signal strength indication (RSSI) and Clear Channel Assessment (CCA) busy periods of all channels measured by said plurality of STAs

Claim 17 is therefore deemed to distinguish patentably over the combination for reasons analogous to those set forth above with regard to claims 1 and 7.

Claims 21-24 stand rejected under 35 U.S.C. 103(a) as unpatentable over Zimmermann in view of Lundell, Walton and U.S. Patent No. 6,694,138 to Kobylinski et al. ("Kobylinski").

Claim 21 depends from claim 17, and Kobylinski fails, alone or in combination, to make up for the deficiencies in Lundell, Walton and Zimmerman.

Claim 22 recites:

measure a received signal strength indication (RSSI) and Clear Channel Assessment (CCA) busy periods of all said channels scanned by said plurality of STAs to said AP

Kobylinski fails, alone or in combination, to make up for the deficiencies in Lundell, Walton and Zimmerman.

For at least all of the above reasons, the proposed combination(s) of references fail to render obvious the present invention as recited in the independent claims.

As for the other rejected claims, each depends from a respective base claim that has been shown to be non-obvious over the cited references, and is likewise deemed to be non-obvious at least due to its dependency.

Reconsideration and withdrawal of the rejections are respectfully requested.

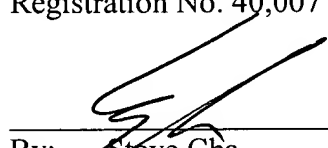


For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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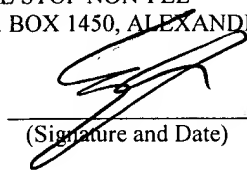

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